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14
15 United States of America,

16 CR-18-00422-PHX-SPL (BSB)

17 Plaintiff,
18 vs.

19 Michael Lacey, et al.,

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**UNITED STATES' NOTICE OF
EXPERT WITNESSES**

Defendants.

24 Pursuant to Rules 702, 703, 704 and 705, Fed. R. Evid., the following witnesses
25 may give testimony that might be construed as falling within the purview of these rules of
26 evidence. Through discovery and subsequent disclosures, specific reports and analyses
27 have been or will be directed to defense counsel regarding the specific nature of the
28 expected testimony, if any, to be given by these individuals. To the extent not previously

1 disclosed in discovery, subsequent disclosures to defense counsel will isolate the reports,
2 analyses, summaries and other findings associated with any potential expert testimony.
3 This notice is meant merely as a broader initial overview of the individuals and subjects
4 the government may seek to present evidence of by way of expert testimony.

5 **1. J. Patrick Cullen, Special Agent, Federal Bureau of Investigations and Mathew**
6 **Frost, Information Technology Specialist Forensic Examiner (“ITS-FE”)**

7 Special Agent Cullen and Mr. Frost will testify as to how the computer evidence
8 and electronic data were downloaded for analysis. Special Agent Cullen and Mr. Frost
9 were responsible for acquiring and analyzing certain computer evidence from servers and
10 devices obtained from Backpage.com and also personal digital devices obtained from some
11 of the Defendants. They will testify as to the forensic protocols and tools they implemented
12 to analyze the hard drives and other electronic devices. Their curricula vitae are attached
13 as Exhibits A & B.

14 **2. Quoc Thai, Special Agent, Internal Revenue Service: Financial Analyst and**
15 **Virtual Currency Expert**

16 Special Agent Thai is a financial analyst, expert in virtual currency, and special
17 agent with the Internal Revenue Service, Criminal Investigation Division. Special Agent
18 Thai will testify about (1) the financial structure of Backpage and its various corporate
19 entities and (2) Backpage’s use of various payment systems to include virtual currency.

20 Special Agent Thai will explain the how the financial records show the flow of funds
21 to and from various entities and financial institutions over the past decade, and how the
22 funds were expended and transferred from Backpage accounts domestically and
23 internationally. Special Agent Thai will also testify about: (1) centralized and
24 decentralized virtual currencies (i.e., bitcoin, bitcoin cash); (2) the sale or exchange of
25 virtual currencies; (3) the use of virtual currencies to pay for goods or services; (4) the
26 anonymity the use of virtual currency provides; (5) the mechanics of transferring virtual
27 currency from wallet to wallet or person to person; (6) the identification of origination and
28 destination addresses through analysis of the blockchain code; (7) the price fluctuation over

1 time of virtual currency, and the conversion and exchange of virtual currency to a “fiat
2 money system” or “fiat currency system” or simply put, regular currency. Special Agent
3 Thai will explain Backpage’s use of virtual currency and how the money flowed through
4 its various domestic and international entities. Additionally, Special Agent Thai will
5 explain Backpage’s use of third party payment processors, who processed and received
6 customer payments originating from virtual currency payments, credit card payments,
7 check & money order payments, and gift card payments. Special Agent Thai will further
8 explain how these payments flow from purchasers of Backpage advertisements and follow
9 their flow to the accounts and purchase of assets by Backpage and Backpage officers and
10 owners.

11 Special Agent Thai’s opinion will be based on his education, training, and
12 experience as a Special Agent. The financial records and documents underlying Special
13 Agent Thai’s testimony has been provided to the defense in discovery; the summary
14 analyses will be provided through supplemental disclosures. Special Agent Thai’s
15 curriculum vitae is attached as Exhibit C.

16 **3. Donald Ellsworth, Special Agent, Internal Revenue Service: Virtual Currency**
17 **Expert**

18 Special Agent Donald Ellsworth will testify about virtual currency, encrypted
19 communications, Bank Secrecy Act requirements, and undercover operations involving
20 virtual currency. Special Agent Ellsworth will testify about: (1) how the movement of
21 legal and illegal proceeds in the form of bitcoin or other forms of virtual currency can be
22 applied to federal money laundering statutes and bank secrecy laws; (2) how bitcoin and
23 other forms of virtual currency can be obtained and used to pay for goods or services; and
24 (3) the anonymity provided with the use of virtual currency.

25 Special Agent Ellsworth will also testify about virtual currency in general, how it is
26 acquired, exchanged, used to purchase goods or services; how transactions can be traced
27 through analysis of the blockchain code; and the value of virtual currency and how it is
28 converted and exchanged into a fiat money system, or regular currency. Special Agent

1 Ellsworth's opinion will be based on his education, training, and experience as a Special
2 Agent; including the courses and seminars has attended and taught through his work with
3 the IRS. Special Agent Ellsworth curriculum vitae is attached as Exhibit D.

4 **4. Detective Christina Decouflé, Phoenix Police Department: Human Trafficking**
5 **Expert**

6 Detective Decouflé will provide testimony at trial about how human trafficking,
7 with a focus on sex trafficking occurs, and how it occurs through online media, such as
8 social networking websites, applications, and the internet in general. Detective Decouflé
9 has been a law enforcement officer with the Phoenix Police Department since 2000. In
10 2005, she became a detective in the Vice Enforcement Unit. In 2013, Detective Decouflé
11 became a member of the Federal Bureau of Investigation, Human Trafficking Task Force,
12 Phoenix Division. The Ninth Circuit has affirmed the expert testimony of Detective
13 Decouflé in the area of human trafficking and this court should permit Detective Decouflé
14 to testify as to her expert opinions here. *See United States v. Brooks*, 610 F.3d 1186, 1195-
15 96 (9th Cir. 2010).¹

16 Detective Decouflé will describe how sex trafficking and prosecution industries
17 have changed with the advent of the internet, including websites such as
18 www.craigslist.com, www.backpage.com, and others. Detective Decouflé will describe
19 how law enforcement conducts human trafficking investigations; with a focus on how
20 investigations shifted from craigslist.com to backpage.com. She will testify about her
21 knowledge of The Erotic Review (TER), it's owner David Elms, and TER's connection to
22 websites such as craigslist.com and backpage.com. Detective Decouflé will describe how
23 she posted advertisements on online websites like craigslist.com and backpage.com
24 advertising herself (undercover) as seller of commercial sex. She will compare and
25 contrast how different prostitution websites (including craigslist and backpage) operated

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27 ¹ At the time of Detective Decouflé's testimony in *United States v. Brooks* she went
28 by the surname Hein. In between, she also went by the surname Bill.